



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT FILING TRANSMITTAL

Transmitted herewith for filing is the Patent Application of: Matthew A. Huras, Sam S. Lightstone, Sujay S. Parekh and Kevin R. Rose

For: **SYSTEM AND METHOD FOR REGULATING RATE OF EXECUTION OF SOFTWARE
EXECUTION UNITS FOR PERFORMANCE**

which is to be assigned to IBM Corporation, Armonk, New York, and who should be listed on any patent application publication as the Assignee of this application.

TYPE OF FILING

This new patent application is for a(n):

- ☒ Utility
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☐ Continuation
- ☐ Continuation-in-part

Benefit of a prior filed application

- ☐ This application claims the benefit of an earlier filed U.S. Patent Application under 35 USC 120.
- ☐ Please accord Applicant the benefit of the priority date of _____ to this case pursuant to 35 USC 119. Applicant's claim for priority is based on application _____ filed in _____ on that date.

Filing under 37 CFR 1.53 (Utility) or 37 CFR 1.153 (Design)

- ☒ This is an application filed pursuant to 37 CFR 1.53 or 37 CFR 1.153, permitting receipt of a filing date upon filing of a specification, at least one claim and necessary drawings.
- ☒ In the event any parts of this application are incomplete, please treat this as a filing under 37 CFR 1.53 or 37 CFR 1.153.

ENCLOSURES

- ☒ 24 - pages of written description;
- ☒ 5 - pages of claims;
- ☒ 1 - pages of abstract;
- ☐ _____ - sheets of formal drawings;
- ☒ 14 - sheets of informal drawings;
- ☒ Declaration and Power of Attorney or listing of inventors;
- and**
- ☒ Two postcards for return to us as proof of receipt of the above documents.

plus

- ☐ An Assignment of the invention to IBM Corporation and an Assignment cover sheet;
- ☐ Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b))
- ☐ Form PTO-1449 (IDS) and two copies of the references listed thereon;
- ☐ A certified copy of _____ (country) patent application number _____ (priority document).
- ☐ A preliminary amendment;
- ☐ Declaration of Biological Deposit;
- ☐ Submission of sequence listing, computer readable copy and/or amendment relating thereto for biotechnology invention containing nucleotide and/or amino acid sequence;
- ☐ An associate power of attorney;
- ☐ Other.

DECLARATION OR OATH

The enclosed Declaration or Oath has been executed by:

- ☐ Inventor(s);
- ☐ Legal representative of the inventors (37 CFR 1.42 or 1.43);
- ☐ Joint inventor or person showing proprietary interest on behalf of an inventor who refused to sign or who cannot be reached and this is a petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is attached;
- ☒ Has not been executed and is enclosed for the purposes of identifying the inventors.

INVENTORSHIP STATEMENT

The inventorship for all the claims in this application is:

- ☒ the same;
- ☐ not the same and, as an explanation, a statement is/ will be submitted.

LANGUAGE

The application submitted herewith is:

- ☒ in English;
- ☐ in not in English and in terms of 37 CFR 1.52(d) a verified translation is
 - ☐ attached
 - ☐ not attached.

FEE CALCULATION

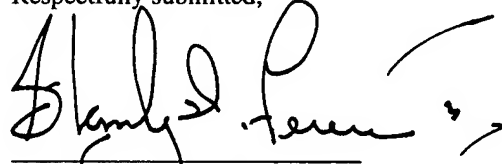
The filing fee has been calculated as shown below:

				SMALL ENTITY OR		OTHER THAN A	
				SMALL ENTITY		SMALL ENTITY	
BASIC FEE Design Patent				\$170	\$	\$340	\$
BASIC FEE Utility Patent				\$385	\$	\$770	\$770
EXTRA FEES				RATE	FEE	RATE	FEE
TOTAL CLAIMS	23	MINUS 20=	3	x 9=	\$0	x 18=	\$54
INDEP.CLAIMS	3	MINUS 3 =	0	x 43=	\$0	x 86=	\$
<input type="checkbox"/> MULTIPLE DEP.CLAIM				+145=	\$	+290=	\$
<input type="checkbox"/> ASSIGNMENT				+ 40=	\$	+40=	\$
<input type="checkbox"/> RULE 53 SURCHARGE				+ 65=	\$	+130=	\$
TOTAL				\$		\$824	

FEE PAYMENT

- [] Attached is Check No. _____ in the sum of \$ _____ to cover the filing fee and, if applicable, the assignment fee.
- [X] Please charge **IBM Corporation Deposit Account No. 50-0510** the amount of **\$824**, to cover the filing fee. Duplicate copies of this letter are enclosed. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or credit **Deposit Account No. 50-0510** as required to correct the error.

Respectfully submitted,



Stanley D. Ference III
Reg. No. 33,879

Dated: October 19, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Matthew A. Huras et al. Group Art: not yet assigned
Serial No. : not yet assigned Examiner: not yet assigned
Filed : herewith
For : SYSTEM AND METHOD FOR REGULATING RATE OF EXECUTION
OF SOFTWARE EXECUTION UNITS FOR PERFORMANCE

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV331365273US

Date of Deposit 19 October 2003

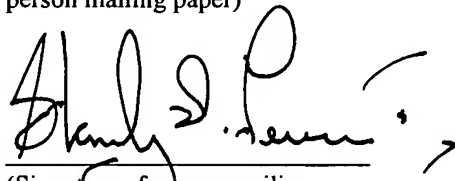
I hereby certify that the following attached paper(s) or fee:

Patent Application
Written Description
Claims 1-23
Abstract
Drawings (Figs. 1-14)
Declaration and Power of Attorney (unexecuted)
Patent Filing Transmittal (in duplicate)
Certificate of Express Mail
Two Return Postcards

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service
under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stanley D. Ference III

(Typed or printed name of
person mailing paper)

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

(Signature of person mailing
paper(s) or fee)

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